

ORDINANCE NO. 60.

An Ordinance granting to J. N. Chipley and Lee A. Reynolds, their heirs and assigns, the right to lay, maintain and operate water mains, to connect service pipes therewith, and to erect hydrants thereon, in the streets, avenues, alleys and public places, in the City of Roswell, and in the Territory of New Mexico, and in the additions thereto, to erect pumping stations, stand pipes and other such buildings and structures as may be necessary for the maintenance and operation of a water system in said city; making a contract with the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, for the supply of water for public and private purposes and authorizing them to charge and collect water rents and tolls therefor.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSWELL:

Section 1. That there is hereby given and granted unto J. N. Chipley and Lee A. Reynolds, their heirs and assigns, for the period of twenty-five (25) years from and after the date of the passage and approval of this ordinance, the privilege and right to construct and erect water works and to lay all necessary wood or iron mains, pipes and conduits, to erect hydrants thereon and connect service pipes therewith in, through and along all of the streets, alleys, avenues and public places of the City of Roswell, and the additions thereto, and which may hereafter be made thereto, and to maintain, operate, repair, remove or replace such water mains, hydrants and connections, as necessity may from time to time require, for the purpose of supplying the said city and the inhabitants thereof with water for domestic use, fire protection, irrigation, manufacturing and other purposes, and to erect pumping stations, stand-pipes, and such other buildings and structures as may be necessary for the maintenance and operation of a water system and supply.

Section 2. That the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, are hereby authorized to enter upon any and all streets, alleys, avenues and public places in said City, and break at their own expense, the surface thereof and make the necessary excavations therein, when the same may be required for the purpose aforesaid, in such manner as to produce the least inconvenience to the said city, its inhabitants and the traveling public; provided, however, that all excavations so made, shall, within a reasonable time, be refilled and reinstated in as good condition as when entered upon for any of the purposes herein set forth.

In case of any failure of the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, to restore any excavation made as aforesaid, for a period of twenty-four (24) hours after the laying or repairing of said main, pipe, valve, hydrant or other apparatus, shall have been completed, notice in writing shall be given by the officer of the said city having charge of the said streets, to the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, to at once repair the same, and in case of default for a period of twenty-four (24) hours after such notice, the said street or alley may be put in its original condition or order by the said city, but at the expense of the said J. N. Chipley and Lee A. Reynolds, their heirs or assigns.

Section 3. That said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, shall at all times save and hold the City of Roswell harmless of and from all loss, costs, or damage to persons or property occasioned by any negligence in the excavation of any side-walk, street, avenue, alley or public place within said City made by them in the laying, maintaining or replacing of any of said mains, pipes, valves, hydrants or other apparatus.

Section 4. That the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, shall immediately upon, or within ninety (90) days from and after the passage and approval of this ordinance and its ratification by an affirmative vote of the legally qualified voters of the said City of Roswell as required by law, begin the construction and erection of the said water system, and shall, on or before the first day of March, A. D. 1907, have a pumping plant erected, and in operation and not less than six (6) miles of water mains laid and supplied with water in and along the streets and avenues hereinafter designated, together with eighty (80) hydrants herein provided for, set and placed ready for operation and service.

Section 5. That said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, shall, from and after the completion of said water works system, furnish at all times a good supply of wholesome water for

public and private use, under a pressure of not less than sixty (60) pounds to the square inch, such pressure to be taken, gauged and tested from the fire hydrant located at the intersection of Main street and Fourth street, and a uniform pressure, taking the elevation of the surface of the ground into consideration, shall be maintained throughout said entire system, provided, however, that the said City of Roswell shall not be in default in any of its agreements with the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns; and such supply of water shall be furnished and supplied through connections with the mains, to be made by persons desiring the same, to premises abutting upon streets in which such mains shall have then been laid, upon application of the owners of the same, and to enable such owners to obtain such supply, the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, shall permit connections to be made with such mains and pipes under reasonable directions and rules.

Section 6. The Act of God, extraordinary drouth, unusual flood, unavoidable accident, interference of rioters, or other unlawful disturbance shall excuse, for the time being, any default by the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, in the furnishing of any water in this ordinance provided to be furnished.

Section 7. That said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, shall, at all times, after the taking effect of this ordinance, whenever so ordered to do by ordinance duly passed, extend the mains of said water system along any street, upon which no main shall then be laid, and shall set fire hydrants thereon for each of which said fire hydrants the said City shall pay an annual rental hereinafter set forth; provided, however, that for such extension one fire hydrant shall be ordered for each four hundred and eighty (480) feet thereof; rent for such hydrant to accrue from and after the date when the City Clerk of said City shall be notified that the same has been set and is ready for use.

Section 8. That the said City of Roswell hereby orders and directs that eighty (80) double discharge fire hydrants with three (3) inch hose connection, with an initial pressure of not less than forty (40) pounds to the square inch shall be set and placed at points to be hereafter designated by ordinance duly passed by the City Council of said City, for each of which said fire hydrants, and such additional hydrants as may hereafter be ordered as herein provided, the City shall and will pay to the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, for and during the term of ten (10) years from and after the date of the acceptance of such hydrants by the said City Council, an annual rental of Forty Dollars (\$40) per hydrant, and at the end of said contract period of ten (10) years a new hydrant contract may be made between the City Council of the said City of Roswell and the persons or company then in control of and operating the said water system; provided, however, if no contract shall be made at the end of the contract period then the annual rental of forty dollars (\$40) per hydrant shall remain in force and effect from year to year until a new rental rate shall be agreed upon; all payments of said hydrant rental to be made semiannually, by the said City, on the first days of January and July in each year at the office of the City Clerk of said City of Roswell.

Section 9. All mains and water pipes when laid and extended, from time to time, as provided in this ordinance, shall be in size sufficient to supply all of the territory in said City between Grand Avenue on the East and Washington Avenue on the West and between McGaffey street on the South and College Boulevard on the North; and additional extensions shall be laid as follows, viz: Along Fifth street from Grand Avenue to a point four (4) blocks east of the railroad as the same is now located; and along Eighth street from Washington Avenue to a point five (5) blocks west of said Washington Avenue; and along First street from Washington Avenue to a point four (4) blocks west of said Washington Avenue. Said eighty (80) hydrants hereinafter contracted for shall be placed proportionately throughout the territory above described; provided, however, that no main upon which fire hydrants are located shall be less than four (4) inches in diameter, and no four (4) inch main shall be longer than two (2) blocks, and no six (6) inch main longer than four (4) blocks, unless such four (4) or six (6) inch mains shall be reinforced from another main or mains. All of the trunk line mains shall not be less than six (6) inches in diameter.

Section 10. That all of the said fire hydrants herein contracted for shall be placed on the South side of streets running East and West, and on the East side of streets running North and

South, at points or places to be designated by ordinance duly passed.

Section 11. The City of Roswell shall have the right to take from any and all fire hydrants hereinafter contracted for, sufficient water for street sprinkling purposes during the life of this franchise, and said fire hydrants shall not be opened or closed except by city officers or employees, duly authorized, or by the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, or their agents or employees; provided, however, that no water shall be taken from any of said hydrants for street sprinkling purposes except by carts or wagon. In the event that any of said hydrants shall at any time be used for street sprinkling purposes, and by reason thereof, shall become damaged or out of repair, if such damage shall have been caused by the employees or agents of the City, the said City shall pay to the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, the reasonable cost of such repairs.

All fire hydrants shall be closed when not in actual and necessary use, and in time of fire the sprinkling hydrants shall not be used in any place to the detriment of the service from fire hydrants, nor shall the City suffer or permit undue waste of water from any of said hydrants in taking water therefrom for street sprinkling purposes.

Section 12. That said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, are hereby authorized to charge and collect for the service of supplying water for domestic and other purposes, a rental or rate which shall not be in excess of the following schedule of monthly rates, to-wit:

Automobile stable, each vehicle, .25
Bakery, each oven, \$1.00.
Bank, one tap, \$1.00.
Barker shop, First chair, .75.
Barber shop, each additional chair, .25.
Bath Tub, private, .75.
Bath Tub, Boarding house up to 16 rooms, each tub, \$1.50.
Bath Tub, Hotel, each tub \$2.00.
Bath Tub, public, each tub, \$2.00.
Billiard Room, each table, .20.
Beer, each barrel brewed, .10.
Blacksmith Shop each fire, .50.
Brick yard, special or meter rate.
Church, free.
Club Rooms, \$2.00 to \$5.00.
Cigar Factory, 20 cts, per hand, but no charge less than, \$1.00.
Cold Storage Plant, Special or meter rate.
Confectionary, \$1.00 to \$5.00.
Confectionary and merchandise, \$1.00 to \$5.00.
Cow, .10.
Drug Store, one tap, \$2.00.
Each additional tap, \$1.50.
Dyeing and scouring, Special or meter rate, but no license less than \$2.00.
Electric Light Plant, Special or Meter rate.
Fountain, Special or Meter Rate.
Horse, .10.
Hotel, Boarding or Lodging House, first 10 rooms, \$3.00; each additional room, .25.
Laundry, one to three hands, \$5.00; each additional hand \$1.50.
Livery stable, each stall, .25; but no license less than, \$2.00.
Public Hall, Special but no license less than, \$1.00.
Photograph Gallery, \$2.50.
Printing Office, \$1.00.
Plastering, per square yard, .01.
Residence, four rooms or less, .75, each additional room, .10.
Restaurant, \$3.00 to \$10.00.
Residence occupied by more than one family, each additional family, .50.
Saloon, \$3.00 to \$15.00.
School, Public, Free.
Sprinkling private grounds, 25 ft. front by 160 deep or less, \$1.50; each additional 25 feet \$1.00.
Stone work, per perch, .05.
Stores, 25 ft. front, one tap, \$1.00; Each additional 25 feet or less, when occupied by same consumer, .75.
Steam Boiler, per horse power, .50.
Urinal Basin, each, private, self-closing valve, .75.
Urinal Basin, each, public, self-closing valve, \$1.20.
Water Closet, private, .75.
Water Closet, Public, \$1.25.
Vehicle, private, .15.
Vehicle, in livery stable, .20.
For all other purposes not herein enumerated such rates shall be charged as may be agreed upon.

Meter Rates.
For first one thousand (1000) gallons, .35; for each additional one thousand (1000) gallons, .20.
Minimum meter rate for residence, \$1.50.
Minimum meter rate for business purposes, \$2.50.

Section 13. The said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, shall have the right to place a meter for use of any consumer, and require such consumer to use water by meter measurement whenever they deem it necessary for their protection, in such cases, the meter shall be furnished and placed in position at their expense, and whenever a meter is so

placed the minimum meter charge shall not be less than the minimum schedule rate.

Section 14. The said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, shall at all times during the life of this ordinance, furnish and supply to the City of Roswell water free of charge for street sprinkling purposes, the fire department houses, free public library, the city hall, when the same shall be erected, and all other city buildings to be hereafter erected.

Section 15. The said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, being charged with a public duty, the said City shall pass such ordinances as will prohibit all unlawful interference with its operations, pollution of its water supply, trespass upon its property and unauthorized use of hydrants.

Section 16. The franchise and privileges hereby granted are granted upon the express condition that the City of Roswell shall have the right at the expiration of ten (10) years from and after the date of the approval and ratification of this ordinance, or at the date of the expiration of any five (5) year period thereafter to purchase the plant, right and property of said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, upon the valuation of the value of such plant, power house, lands, water rights, machinery, business and good will of said water works system, at the time of such purchase by said City, which valuation shall be determined by three (3) disinterested, non-resident persons, appraising the same, one to be selected by the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, and one by the City of Roswell, and the third to be selected by the two thus chosen.

Section 17. This ordinance shall be published as required by law, and immediately after the expiration of the legal period of publication, the Mayor shall issue his proclamation for a special election to be held not less than thirty days, and within sixty days, after the passage and approval of said ordinance, at which said special election the question of the approval or non-approval of said franchise shall be submitted to the legally qualified voters of the said City of Roswell, and if a majority of said voters voting on the question at said special election shall vote in favor of the same, this ordinance shall be in full force and effect and said franchise shall become operative from and after the date of said approval; provided, that before said proclamation shall be issued said J. N. Chipley and Lee A. Reynolds shall file with the Clerk of the said City of Roswell their written acceptance of the said franchise as passed by this Council, and shall, within sixty (60) days after the ratification of this ordinance, by a vote of the legally qualified voters of the City of Roswell, deposit with the City Treasurer of said City a certified check, payable to the City of Roswell, in the sum of \$3000.00, conditioned upon the said J. N. Chipley and Lee A. Reynolds, their heirs and assigns, commencing actual construction and erection of said water system on or before the 12th day of July, 1906, and to prosecute said work thereafter until the sum of Fifteen Thousand Dollars (15000.00) has been actually expended in the construction and erection of said system, and when said amount has been so expended by the said J. N. Chipley and Lee A. Reynolds, their heirs or assigns, then the deposit so made shall be returned to the said J. N. Chipley and Lee A. Reynolds; otherwise, the said sum shall be forfeited to the City of Roswell and this ordinance and contract herein provided for shall be null and void. In the event of the failure of said J. N. Chipley and Lee A. Reynolds, their heirs or assigns, to make the deposit of Three Thousand Dollars (\$3000.00) as herein provided, within sixty (60) days after the approval of this ordinance, by a vote of the people of said City, then the same shall be null and void and the contract provided herein shall be of no effect.

Section 18. The Mayor shall, by his proclamation, give notice of said election, and ballots in favor of the granting of said franchise and making said contract shall read:

"In favor of Franchise and Contract with J. N. Chipley and Lee A. Reynolds, their heirs and assigns." and ballots against the granting of said Franchise and Contract shall read:

"Against Franchise and Contract with J. N. Chipley and Lee A. Reynolds, their heirs and assigns.", and the said City Council shall appoint the necessary judges and clerks of such election and make all other necessary provisions for the same.

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Passed this 6th day of March, A. D., 1906.
Approved by me this 6th day of March, A. D., 1906.
J. F. HINKLE,
Mayor of the City of Roswell.
Attest:—FRED J. BECK,
City Clerk.

(SEAL)
Territory of New Mexico, City of Roswell, ss.
I, Fred J. Beck, Clerk for said City, do hereby certify that the foregoing ordinance, number 60, was passed on the 6th day of March, 1906, and approved by the Mayor of said City on the 6th day of March, 1906, and that a true record of said ordinance is at page 124, et seq., of City Ordinance Record Number 1.

Witness my hand and the seal of said City on this 8th day of March, 1906.
FRED J. BECK,
City Clerk.
(Published March 8, 1906.—Record.)

A Chicago Alderman Owes his Election to Chamberlain's Cough Remedy.

"I can heartily and conscientiously recommend Chamberlain's Cough Remedy for affections of the throat and lungs," says Hon. John Shenick, 220 Eo. Peorit St. Chicago. "Two years ago during a political campaign, I caught cold after being overheated, which irritated my throat and I was finally compelled to stop, as I could not speak aloud. In my extremity a friend advised me to use Chamberlain's Cough Remedy. I took two doses that afternoon and could believe my senses when I found the next morning the inflammation had largely subsided. I took several doses that day, kept right on talking through the campaign, and I thank this medicine that I won my seat in the Council." This remedy is for sale by all dealers.

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